

REMARKS/ARGUMENTS

The Examiner is thanked for the Office Action mailed September 15, 2008. The status of the application is as follows:

- Claims 1-20 are pending, claims 1-14 have been amended, and claims 15-20 have been newly added;
- The drawings are objected to;
- The specification is objected to;
- Claims 12 and 14 are objected to for informalities;
- Claims 1-5 and 9-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Iwabuchi et al. (US 6,327,495 B1); and
- Claims 6, 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iwabuchi et al. in view of Kao et al. (US 2002/0156381 A1).

The objections and rejections are discussed below.

Preliminary Matters

Claims 1-14 have been amended for informalities and not to address issues of patentability.

The Objection to the Drawings

The drawings are objected to as failing to comply with 37 C.F.R. 1.84(p)(4). Particularly, the Office asserts that reference character “65” has been used to designate both “monitoring system comprising electronic device” in the specification and “sensing means” in claim 12. Reference character “65” has been deleted from claim 12, rendering the objection thereto moot. Thus, this objection should be withdrawn.

The Objection to the Specification

The specification is objected to because the abstract exceeds the maximum word limit. An amended abstract is submitted herein with the word count within the maximum word limit, rendering the objection moot. Thus, this objection should be withdrawn.

The specification is also objected to because of informalities. First, the Office asserts that the specification recites the word “actuatable” on page 1, line 9, which appears to be an improper form of the word “actuate.” Page 1, line 9, of the specification has been amended by replacing the word “actuatable” with the phrase “arranged to be actuated”, rendering the objection thereto moot. Thus, this objection should be withdrawn.

Next, the Office asserts that headings for each section of the specification is missing. However, the subject headings are not required, but only suggested. See MPEP §608.01(a). Accordingly, the foregoing objection is moot.

The Objection to Claims 12 and 14

Claims 12 and 14 are objected to for informalities. Particularly, the Office asserts that the claims 12 and 14 recite the word “actuatable” which appears to be an improper form of the word “actuate.” Claims 12 and 14 have been amended by replacing the word “actuatable” with the phrase “arranged to be actuated”, rendering the objection thereto moot.

The Rejection of Claims 1-5 and 9-14 under 35 U.S.C. 102(b)

Claims 1-5 and 9-14 stand rejected under 35 U.S.C. 102(b) as being anticipated by Iwabuchi et al. This rejection should be withdrawn because the subject claims have been amended to include additional limitations not found in the prior art.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros v. Union Oil Co of California*, 814 F.2d 628, 631 (Fed. Cir. 1987). MPEP §2131.

Amended independent **claim 1** is directed to a portable electronic device including, *inter alia*, **a first contact surface arranged to be brought into contact with the head of an individual during usage of the device**; and a second contact surface arranged to contact skin on a hand of the individual, **wherein the first contact surface comprises a first electrode** and the second contact surface comprises a second electrode. Iwabuchi et al. does not teach or suggest the emphasized claim aspects

Iwabuchi et al. discloses a portable electronic device having at least four electrodes “A”, “B”, “C” and “D” provided at four corners of the front surface of a main body of an intelligent terminal unit so that two fingers of the right hand and two fingers of the left hand may be brought into contact with respective electrodes (col. 5, lines 15-20). Iwabuchi et al. fails to teach a first contact surface arranged to be brought into contact with the head of an individual during usage of the device, wherein the first contact surface comprises a first electrode as required by claim 1. Accordingly, this rejection should be withdrawn.

Claims 2-5 and 9-11 depend from claim 1 and are allowable at least by virtue of their dependencies. As such, the withdrawal of this rejection is respectfully requested.

Amended independent **claim 12** has been amended to include additional claim aspects similar to those added to claim 1. As such, the above discussion regarding claim 1 applies *mutatis mutandis* to claim 12, and this rejection should be withdrawn.

Claims 13 and 14 depend from claim 12 and are allowable at least by virtue of this dependency. As such, the withdrawal of this rejection is respectfully requested.

The Rejection of Claims 6, 7 and 8 under 35 U.S.C. 103(a)

Claims 6, 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iwabuchi et al. in view of Kao et al. Claims 6, 7 and 8 indirectly depend from claim 1 and are allowable at least by virtue of this dependency. Therefore, this rejection should be withdrawn.

New Claims 15-20

Newly added claims 15-20 emphasize various aspects. No new matter has been added. The aspects in these claims are absent from the prior art. Entry and allowance of claims 15-20 is respectfully requested.

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Conclusion

In view of the foregoing, it is submitted that the claims distinguish patentably and non-obviously over the prior art of record. An early indication of allowability is earnestly solicited.

Respectfully submitted,

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